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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/827,775 | 04/06/2001 | Gary Seim | 1275.6US01 | 7347 |

7590 07/27/2004
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| EXAMINER |
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BOCKELMAN, MARK

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| ART UNIT | PAPER NUMBER |
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3762

DATE MAILED: 07/27/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Response to Amendment

The reply filed on 5-14-04 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicants has not particularly pointed out how *their* invention defines over the art in that they have not pointed out where they find support for the newly added atrial heart rate threshold limitation. The only threshold comparison that appears to be mentioned in the specification has to do with the atrial/ventricular threshold comparison and not a separate test that must be satisfied as applicant's have now recited. In addition, new claim 34 has an enabling step which compares atrial rate and ventricular rate whereas the original disclosure compares average rates (see page 3 lines 15-16). The examiner respectfully requests applicant to review the specification and point out the support for the newly added/amended claims. The examiner also notes that rule 37 CFR 1.83(a) requires all claimed subject matter to be shown in the drawings, which the examiner does not find at this time. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark W Bockelman whose telephone number is (703)-308-2112. The examiner can normally be reached on Monday - Thursday 10-8:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (703) 308-5181. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MWB

July 23, 2004

MARK BOCKELMAN
PRIMARY EXAMINER